

Docket No. 12.023011

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: David HUNG Group Art Unit: 1655  
Appl. No.:09/827,371 Examiner: Michele C. Flood  
Filed: April 06, 2001  
For: INCREASING RETRIEVABLE FLUID FROM A BREAST DUCT

September 27, 2007

**MAIL STOP APPEAL BRIEF-PATENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TO APPEAL BRIEF OF APPELLANT**

Sir:

This Amendment to Appellant's Appeal Brief is filed in response to the Notification of Non-Compliant Appeal Brief mailed September 11, 2007. The Appeal Brief filed on August 22, 2007 was objected to due to a failure to identify the claims on appeal in the status of the claims section. Attached hereto is an amended status of claims section which identifies the claims on appeal.

Applicant: Hung  
Serial No. 09/827,371  
Filed: 04-06-01  
Page 2 of 3

Docket No. 12.023011

**Status of Claims.**

Claims 1, 6, and 22-27 are pending in the application. Claims 1, 6, and 22-27 have been rejected. Claims 2-5, 7-21, and 28-33 have been cancelled. Claims 1, 6, and 22-27 are the subject of this appeal.

Claims 1 and 6, 7, and 22-27 were rejected under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or which it is mostly nearly connected, to make and/or use the invention.

Claims 1 and 22 were rejected under 35 U.S.C. § 102(b) as being anticipated by USP 6,221,622 to Love *et al.*

Claims 1, 6, 22, 25 and 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Martyn *et al.* (BioChem J, 1985, 231:321-328) as evidenced by the teachings of USP 4,339,433 to Kartinos *et al.* and USP 6,235,305 to Mullins *et al.*

The claims appear in Appendix A. No other claims are pending.

Applicant: Hung  
Serial No. 09/827,371  
Filed: 04-06-01  
Page 3 of 3

Docket No. 12.023011

- It is not believed that any additional extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore is hereby authorized to be charged to Deposit Account No. 502855 referencing attorney docket number 12.024011.

Customer No. 0000 38732

Respectfully submitted,



Theodore R. Allen  
Registration No. 41,578  
**Cytyc Corporation**  
250 Campus Drive  
Marlborough, MA 01752  
Tel (508) 263-8490  
Fax (508) 263-2959